

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

JESUS E. MORENO,

Petitioner,

v.

WARDEN S. SALMONSON,

Respondent.

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CIVIL ACTION NO. 5:22-CV-00004-RWS

**ORDER**

Before the Court is the Report and Recommendation of the United States Magistrate Judge (Docket No. 3), which contains her findings, conclusions and recommendation for the disposition of this matter. The Report recommends that Petitioner Jesus E. Moreno's Petition for Writ of Habeas Corpus (Docket No. 1) be denied. Docket No. 3. The Court hereby adopts the Report and Recommendation of the Magistrate Judge as the findings and conclusions of this Court.

Petitioner, proceeding pro se, filed the above-captioned civil action to petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Docket No. 1. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636 and the applicable orders of this Court. After review of the petition and evidence, the Magistrate Judge issued a Report recommending the petition be denied and the lawsuit dismissed without prejudice. Docket No. 3.

A copy of the Report and Recommendation was mailed to the Petitioner at the address he provided to the Court, but Petitioner did not acknowledge receipt of the Report. Under the Local Rules of the Eastern District of Texas, pro se litigants must provide the court with a physical address and are "responsible for keeping the clerk advised in writing of the current physical address." Local Rule CV-11(d). To date, the mailed Report has not been returned as

undeliverable, Petitioner has not updated his address with the Court, and no objections to the Report and Recommendation have been filed.

Petitioner is, therefore, barred from *de novo* review by the District Court of the Magistrate Judge's findings, conclusions and recommendations; and, except upon grounds of plain error, Petitioner is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *see also Arriaga v. Laxminarayan*, No. 4:21-CV-00203-RAS, 2021 WL 3287683, at \*1 (E.D. Tex. July 31, 2021) (noting Plaintiff was not entitled to *de novo* review of the Magistrate Judge's findings where Plaintiff did not acknowledge receipt of the Report and Recommendation or file any objections thereto).

The Court has reviewed the pleadings in this cause of action and the Report of the Magistrate Judge. Upon such review, the Court concludes that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (where no objections to a Magistrate Judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"), *cert. denied*, 492 U.S. 918 (1989). Accordingly, it is

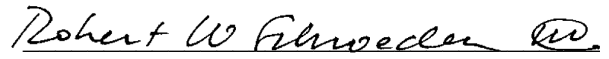
**ORDERED** that the Report of the Magistrate Judge (Docket No. 3) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that Petitioner's Petition for Writ of Habeas Corpus (Docket No. 1) is **DENIED**. It is further

**ORDERED** that Petitioner's above-titled cause is **DISMISSED WITHOUT PREJUDICE**. It is further

**ORDERED** that any and all motions currently pending in this civil action are hereby **DENIED-AS-MOOT**.

**So ORDERED and SIGNED this 8th day of February, 2022.**

A handwritten signature in cursive script, reading "Robert W. Schroeder III", written in black ink.

ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE